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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,054	11/29/1999	ASHOK V. KRISHNAMOORTHY	32	7078

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EXAMINER

JACKSON, CORNELIUS H

ART UNIT PAPER NUMBER

2828

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/450,054

Applicant(s)

KRISHNAMOORTHY, ASHOK V.

Examiner

Cornelius H. Jackson

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.



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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. Acknowledgment is made that applicant's Amendment, filed on 20 May 2003, has been considered. Upon entrance of the Amendment, claims 1-10 were amended to a previous form. Claims 1-11 are now pending in the current application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: It is unclear how

Art Unit: 2828

the plurality of segments form a level, how one level differ from another, or what makes up a level.

5. Claims 1, 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim what the number of segments are equal to.

6. Claims 2-6, 8, 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as cited in the independent claims in which they depend upon.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (5309001). Watanabe et al. teach a network **Fig. 12a** for distributing a power signal in an optoelectronic circuit **350** comprising a plurality of electrically conductive pathways forming at least one level, wherein the portions of the conductive pathways are interconnected; a plurality of segments **353a-358b** forming

Art Unit: 2828

each level, wherein each segment of the level is equal in length; means for coupling **347/352** the power signal from a primary input to a point at the center of a first level; terminal nodes **359a-b** coupled at the extremities of a last level for supplying the power signal to a plurality of portions of a device that form at least a portion of the optoelectronic circuit **350**; and wherein the number of segments connecting the primary input to each of the terminal nodes is equal. Watanabe et al. fail to teach the power signal is supplied to a plurality of devices; instead, Watanabe et al. teach the power signal is supplied to a plurality of portions of a single device. It would have been obvious to one of ordinary skill in the art at the time the invention was made divide the device into multiple sections, since it is inherent that each portion of the single device of Watanabe would operate as an individual unit having its own power signal. Also it has been held that constructing a formerly integral structure in various elements (or formerly separate elements into one) involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 2, Watanabe et al. teach all stated limitations, **see Figs. 12a**.

Regarding claim 3, Watanabe et al. teach all stated limitations, **see Figs. 16**.

Regarding claim 4, Watanabe et al. teach all stated limitations, **see col. 15, lines 49-51 and claim 1 above**.

Regarding claim 5, Watanabe et al. teach the terminal nodes are optoelectronic devices, **see col. 15, line 43-51 and claim 1 above**.

Regarding claims 10-11, it is inherent that the device claimed operates, using method as claimed; therefore, the rejection of the device applies to the method as well.

Art Unit: 2828

9. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (5309001) in view of Olbright et al. (5266794)/Schneider et al. (5351256)/Lebby et al. (5337397). Watanabe et al., as applied to claims 1-5 above, teach all of the stated limitations except for the integrated circuits are VCSELs; instead, Watanabe et al. teach the integrated circuits are LEDs. It is well known in the laser art that one may use either laser source (e.g. LED or VCSEL) as a matter of obvious design choice, **see Olbright et al. col. 8, lines 65-68/Schneider et al. col. 1, lines 14-16/ Lebby et al. col. 3, lines 17-27**. Since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claims 7-9, Watanabe et al. teach all the stated limitations except for the plurality of electrically conductive pathways being separate; instead, Watanabe et al. teach the pathways being formed of wider/broader pathways that diverge as it branches to a higher level/order, **see Figs. 5, 7, 9-10 and 18a and col. 9, line 54-col. 10, line 3, col. 11, line 11-col. 13, line 47 and col. 24, line 33-col. 26, line 20**. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to separate the diverging wider/broader pathways into the individual pathways the wider/broader pathways eventually become, since the examiner takes Office Notice of the equivalence of the diverging wider/broader pathways and the plurality of separate pathways for their use in the electrical art and the selection of any of these known equivalents to improve the flow of current from a primary source to multiple regions would be within the level of ordinary skill in the art.

R sponse t Arguments

10. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cornelius H. Jackson whose telephone number is (703) 306-5981. The examiner can normally be reached on 8:00 - 5:00, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.


chj
June 6, 2003


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